

SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 1 is found in claims 7 and 8 as previously presented. The change of “component” to --composition-- is the correction of an apparent clerical error in meaning. The description on page 8, lines 7-13 makes clear that the wt. basis for the content of ingredient (A) is based on the composition (i.e. the whole component such as an aerosol or foam). Support for claim 21 is found on page 8, line 10 and page 12, line 4 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1, 5, 9-15 and 20-21 will now be active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a hair styling composition.

Hair styling as a cosmetic process can yield mixed results as the act of styling can often cause damage to the hair in terms of split ends and broken hair such that effective styling methods producing reduced split ends and broken hair are sought.

The claimed invention addresses the problem by providing a hair styling composition comprising a film forming polymer and specific diamide compounds. Applicants have discovered that the combination of a film-forming polymer and specific diamide provides for improvements in hair stiffness, a reduction in the percentage occurrence of split ends and broken hairs and voluminosity of hair, as compared with a film-forming polymer alone.

The rejections of claims 1, 5, 7-11 and 15-20 under 35 U.S.C. § 103(a) in view of the combination of Hoshino et al. (U.S. 6,685,953) and Simon U.S. 2003/0008855 and of claims 12-14 in further view of DE 199 02 530 are respectfully traversed.

The combination of references fails to disclose or suggest an improvement in hair stiffness, split ends and broken hairs and voluminosity of hair.

Hoshino et al. merely describes dermatological preparations comprising diamide compounds. The object of the reference is described as maintaining and reinforcing the water retention capacity and barrier functions of the horny layer, preventing or remedying skin troubles, protecting the hair with a penetrated component improving the touch and feel of the hair, and preventing or remedying chapping of the scalp (column 1, lines 50-60). There is no disclosure or suggestion that a diamide compound in combination with a film-forming polymer would improve any one of hair stiffness, split ends and broken hairs and voluminosity of hair.

Simon has been cited for a disclosure of film-forming polymers (e.g. hair styling resins paragraphs [0028-29]). There is no suggestion that a combination of film-forming polymer and diamide would provide the observed improved hair performance.

DE '530 has merely been cited for a disclosure of a ceramide. There is no suggestion that a combination of film-forming polymer and diamide would provide the observed improved hair performance.

Thus, the combined disclosures of the references fails to suggest the observed improved hair performance resulting from the combination of film-forming polymer and diamide.

In contrast, applicants have discovered that a combination of film-forming polymer and diamide compound to provide improved performance in terms of stiffness, split ends and voluminosity of hair. Applicants have previously cited to the examiner, the data appearing in Tables 1-3 in which improved performance was documented for compositions containing diamide (F). Applicants note that the claims have been amended to recited diamide compound (F) which appear in the examples of applicants' specification.

Applicants note the examiner's comments that the claimed method does not mention using the composition for improving hair stiffness, split ends and broken hairs and providing voluminosity to hair, but further note that a compound and all of its properties are inseparable. *In re Papesch*, 315, F.2d 381, 391, 137 USPQ 42, 51 (CCPA 1963) MPEP § 2141.02(V). In view of applicants' demonstration of an improved hair performance for diamide (F) with different film forming polymers, the claimed invention is not obvious over the cited references and withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

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Applicants submit that this application is now in condition for allowance and an early notification of such action is earnestly solicited.

Respectfully submitted,

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Norman F. Oblon

A handwritten signature in black ink, appearing to read "Richard L. Chinn", is written over a horizontal line.

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